

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MAURICE M. DONALD,	:	NO. 1:12-CV-00897
	:	
Petitioner,	:	
	:	ORDER
v.	:	
	:	
WARDEN, PICKAWAY	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	

This matter is before the Court on the Magistrate Judge's April 23, 2014 Report and Recommendation (doc. 12). No Objection has been filed.

Proper notice was provided to the Parties under Title 28 U.S.C. § 636(b)(1)(C), including the notice that they would waive further appeal if they failed to file an objection to the Magistrate Judge's Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

Having reviewed this matter de novo, pursuant to Title 28 U.S.C. § 636, the Court concludes the Magistrate Judge's Report and Recommendation is correct that Petitioner's single ground for relief is without merit. Petitioner has not demonstrated that his sentence is contrary to or involved an unreasonable application of Supreme Court precedent, so that he is not entitled to habeas relief.

Accordingly, the Court ADOPTS and AFFIRMS the Report and

Recommendation in all respects (doc. 12), and DISMISSES Petitioner's Petition for a Writ of Habeas Corpus (doc. 2) with prejudice. The Court further FINDS that a certificate of appealability should not issue with respect to Petitioner's claim relief alleged in the Petition, because Petitioner has not stated a "viable claim of the denial of a constitutional right," nor are the issues presented "adequate to deserve encouragement to proceed further." Slack v. McDaniel, 529 U.S. 473, 475 (2000). Finally, the Court CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that with respect to any application by Petitioner to proceed on appeal in forma pauperis, an appeal of this Order would not be taken in "good faith" and therefore the Court DENIES Petitioner leave to appeal in forma pauperis upon a showing of financial necessity. Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

SO ORDERED.

Dated: May 20, 2014

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge